



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/725,475 Confirmation No. : 4496
Applicant : Mark ZOLLER, et al.
Filed : December 3, 2003
TC/A.U. : 1645
Examiner :
Docket No. : 100337.54074D8
Customer No. : 23911
Title : Functional Assays for Identifying Compounds that Modulate
T1R2/T1R3 Taste

Petition

Mail Stop PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application dated August 10, 2004, applicants contends that Figure 10B described in the specification was deposited with the Patent and Trademark Office on December 3, 2003.

Fifteen sheets of drawing were acknowledged by the Patent and Trademark Office, as evidenced by the attached filing receipt. These 15 sheets of drawings included Figures 1-16B, and more particularly included a page labeled as Figure 10. Applicants respectfully advise that the Figure 10, submitted and received by the Patent Office with this application was in fact complete. More specifically, Figure 10 as-filed with this application contains 12 panels which are identified at paragraph 0263 of this application as panels 10A through 10L. Each of these panels are clearly identified and described at paragraph 0263 of the as-filed specification. Therefore, the reference to Figure 10B at page 10, paragraph 0047, in the Brief Description of the Figures in actuality was intended to refer to "Panel B"

on Figure 10, which includes 12 panels which should have been labeled as Panels A through L on the single page Figure 10 filed with this application.

In further response to the Notice of Missing Parts Notice Applicants also include with this petition is a Formal version of Figure 10 wherein the panel B legend (as well as Panels C through L) are more clearly labeled. The undersigned respectfully avers to the fact that this figure corresponds identically to Figure 10 originally submitted with this application, except for the fact that it is a more legible version wherein each of Panels A through L are explicitly identified. The submission of this Formal Figure 10 (which more clearly identifies Panels A through L) does not introduce any new matter into this application. (As noted above, the as-filed specification in fact expressly makes reference to each of these panels at paragraph 0263 of the as-filed specification.) The fact this Figure is merely a more legible version of the Figure 10 originally submitted and that it does not improperly introduce any new matter into the as-filed application is further substantiated by the fact that the as-filed application is a divisional of U.S. Serial Number 10/179,373, filed June 26, 2002, and which parent application is incorporated by reference in its entirety in this application. It can be seen upon inspection of this file, that the Formal Figure 10 provided herewith (which explicitly identifies each of Panels A through L), is identical to the Figure 10 provided with the parent application, incorporated by reference in its entirety in this application.

Since Figure 10b was in fact timely received by the Patent and Trademark Office, and since it merely corresponds to one of the twelve panels contained on the Figure 10 received by the Patent Office on filing of this application, it is requested that the attached Petition fee in the amount of \$130.00 be refunded to deposit account No. 05-1323 (Docket 100337.54074D9). It would be appreciated if the undersigned were telephoned in the event there are any questions related to this Petition or the application in general.

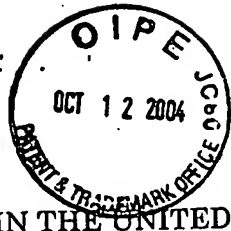
Please credit any overpayments or charge any additional fees to the Deposit
Account of Crowell & Moring, L.L.P., Account Number 05-1323 (Docket
#100337.54074D9). A duplicate copy of this letter is attached.

October 12, 2004

Respectfully submitted, Samir Elamrani

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Serial No. 10/725,475
Attorney Docket Number 100337.54074D8

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Second Preliminary Amendment

Mail Stop MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Prior to Examination, please amend the above-identified application as follows:

IN THE SPECIFICATION

Please enter amended paragraph [0038] as follows:

[0038] Figure 1 contains a sequence alignment of human (SEQ ID NOS 5-7) and rat T1Rs (SEQ ID NOS 16-17 & 4), human calcium-sensing receptor (SEQ ID NO: 19) and rat metabotropic glutamate (SEQ ID NO: 18).

[0047] Figure 10[[a]]A through 10[[b]]L contain calcium imaging data demonstrating that h1TR2/hT1R3 respond to different sweet stimuli.

REMARKS

Claims 194-256 are pending in this patent application. By this amendment, the specification is amended to include sequence listing identification numbers to match those in the sequence listing filed October 12, 2004. No new matter has been added. Early and favorable action on the merits is respectfully requested.

This Preliminary Amendment is also submitted to correct the description of Figure 10 to show that the Figure contains 12 panels labeled 10A through 10L.

If there are any questions regarding this Preliminary Amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 100337.54704D8).

October 12, 2004

Respectfully submitted,

for Samir Elamrani
Robin L. Teskin
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Submission of Formal Drawings

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application dated August 10, 2004, submitted herewith are 15 sheets of formal drawings for the above-captioned application.

Please credit any overpayments or charge any additional fees to the Deposit Account of Crowell & Moring, L.L.P., Account Number 05-1323 (Docket #100337.54074D8). A duplicate copy of this letter is attached.

Respectfully submitted,

October 12, 2004

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